



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-129-21 Nhi Tuc Lam and Van Chung

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: June 8, 2022

CERTIFICATE OF SERVICE

This is to certify that on September 28, 2022, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone".

Barbara J Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioners: Nhi Tuc Lam and Van Chung

Appeal No.: V-129-21

Subject Property: Lot 12, Block 18, Beltsville Re-subdivision, being 11000 Queen Anne Avenue, Beltsville, Prince George's County, Maryland

Vietnamese Language Interpreter: Thanh Voa

Witnesses: Karen Holtz, Petitioners' Assistant

Leonard Malinowki President, Good Knight Child Empowerment Network (GKCI)

Mary Casio, GKCI

Patricia Jacqueline Cooper, Neighbor and Volunteer with GKCI

Heard: March 9, 2022; Decided: June 8, 2022

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Albert C. Scott, Vice Chairman

Board Member Absent:

Anastasia T. Johnson, Member

RESOLUTION

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting a variance from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-442(b)(Table I) which prescribes that each lot shall have a minimum net lot area of 10,000 square feet. Petitioners propose to obtain a building permit for the construction of a two-story frame single-family dwelling with basement, open deck, covered front porch and driveway. A variance of 308 square feet net lot area is requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1949, contains 9,692 square feet, is zoned R-R (Rural Residential) and has no improvements or structures. Exhibits (Exhs.) 2, 4, 6, 7 and 8 (A) thru (F).

2. The subject lot is triangular in shape, with the point of the triangle being flat. Neighboring properties are rectangle in shape. Exhs. 2, 4, 6, 7 and 8 (A) thru (F).

3. Petitioners propose to obtain a building permit for the construction of a two-story frame single-family dwelling with basement, open deck, covered front porch and driveway. Due to the current net lot area being only 9,692 and the required net lot area being 10,000, a variance of 308 square feet net lot area is requested. Exhs. 2, 3 (a) thru (i) and 5.

4. Van Chung stated that the property was purchased in 2011.

5. Ms. Karen Holtz explained that initially the driveway was to be built in front of the property, but there was a request to move the driveway to the side of the dwelling. The driveway was moved to the left side of the property and the house pulled back so the front stairs would meet the front building restriction line or setback. She stated that the lot coverage for the property is 1,599 square feet or just 16.5% of the maximum allowable coverage of 30%. Exhs. 2, 3 (a) thru (i) and 5.

5. Ms. Holtz stated that properties within 2.5 miles of the subject property were also developed on land that was with less than 10,000 net lot square feet. Exhs. 2, 3 (a) thru (i) and 5.

6. Mr. Malinowski stated that there is an 8-foot fence between the two properties for the safety of young children who engaged in field trips on the GKCI property. He added that he has a concern about the large trees that drop large branches on the fence and that the trees that are dead or dying constitute a danger to the fence. He is also concerned that the neighborhood is esthetically appealing and believes to "shoehorn" a house in that very narrow land would not add to property values and the esthetic make-up of the neighborhood. Exhs. 2, 3 (a) thru (i) and 5.

7. Ms. Holtz stated that when the footprint and the floor plan were chosen for the proposed development, environmental issues were considered. She stated that less than 20% of the lot will be covered with development and 80% will remain open. She stated that the neighborhood is not a planned community and described the community as an older neighborhood with a wide variety mix of homes. Exhs. 2, 3 (a) thru (i) and 5.

Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

Findings of the Board

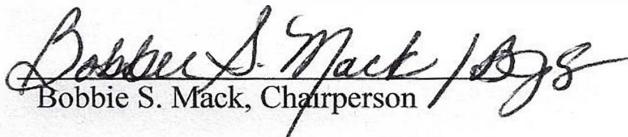
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the deficiency of the net lot area of the property being preexisting, the irregular triangular shape of the subject lot affecting the net lot area, the rectangular shape of the subject property differs from neighboring properties, and moving the house back and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owners of the property.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that a variance of 308 square feet net lot area in order to obtain a building permit for the construction of a two-story frame single-family dwelling with basement, open deck, covered front porch and driveway on the property located at 11000 Queen Anne Avenue, Beltsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 15 and approved elevation plans, Exhibits 3 (a) thru (i).

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

NOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-233(a) of the Prince George's County Code states:

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

APPROVED
JUN 08 2021

B. Stone
B. Stone
ADMINISTRATOR

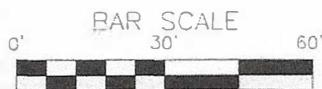
BOARD OF APPEALS



JESSICA A. KING
MD REG. #21684
EXP. 12/22
JUNE 21, 2021

THIS IS TO CERTIFY THAT THIS PLAT WAS MADE IN ACCORDANCE WITH COMAR 09.13.06.10 MINIMUM STANDARDS AND PROCEDURES FOR A SPECIAL PURPOSE SURVEY. THE VISIBLE IMPROVEMENTS ARE SHOWN TO A TOLERANCE OF 1 FOOT MORE OR LESS.

EXH. # 15
V-129-21



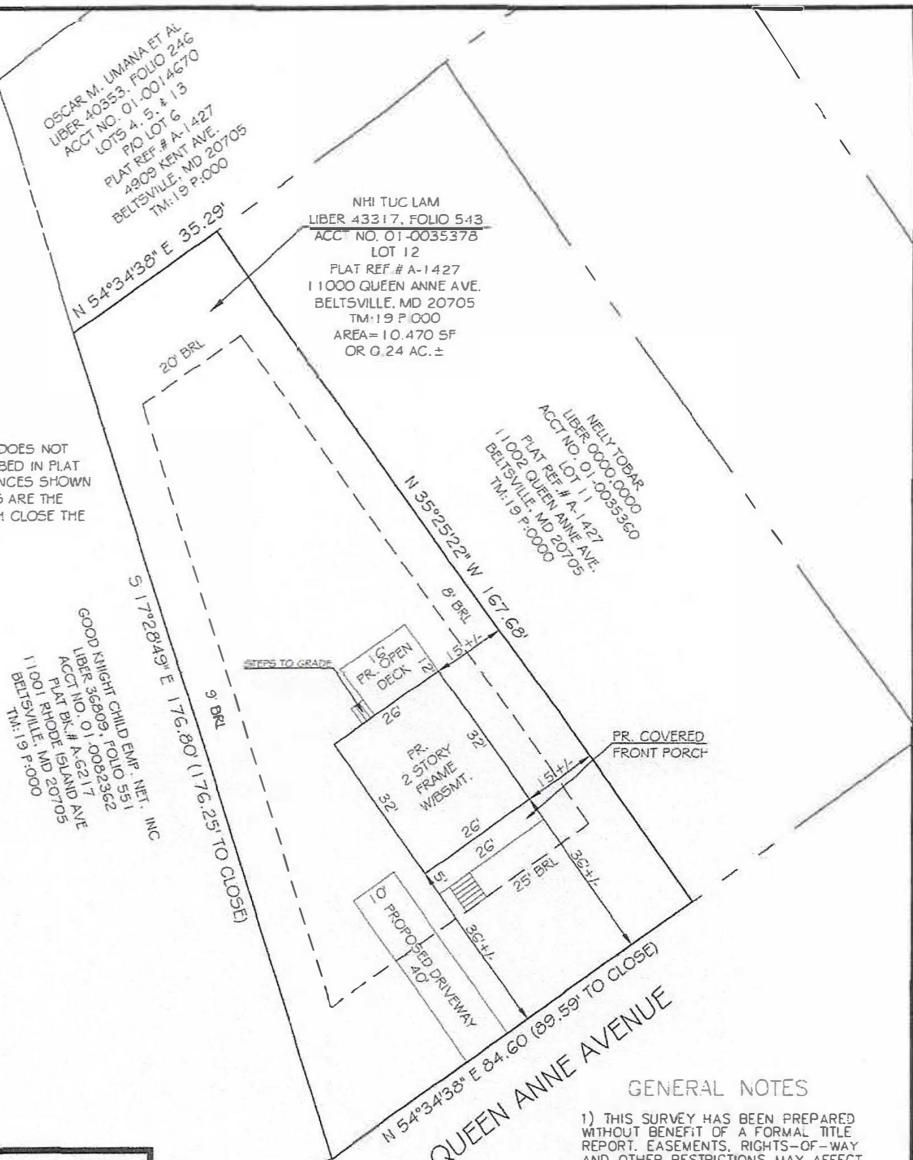
= CONCRETE

PROPOSED SITE PLAN OF
LOT 12 BK 18 SEC 2
BELTSVILLE
11000 QUEEN ANNE AVE, BELTSVILLE, MD 20705
TAX MAP: 0019 PART OF PARCEL: 0000
FIRST ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND



King's Point Surveys, Inc.
8019 Long Hill Rd.
Pasadena, MD 21122
410-255-1378 jking@kingspointsurveys.com

DRAWN: JAK
CHECKED: JAK
DATE: 06-21-21
JOB #: 2021-2108
SCALE: 1"=30'
SHEET: 1 OF 1



GENERAL NOTES

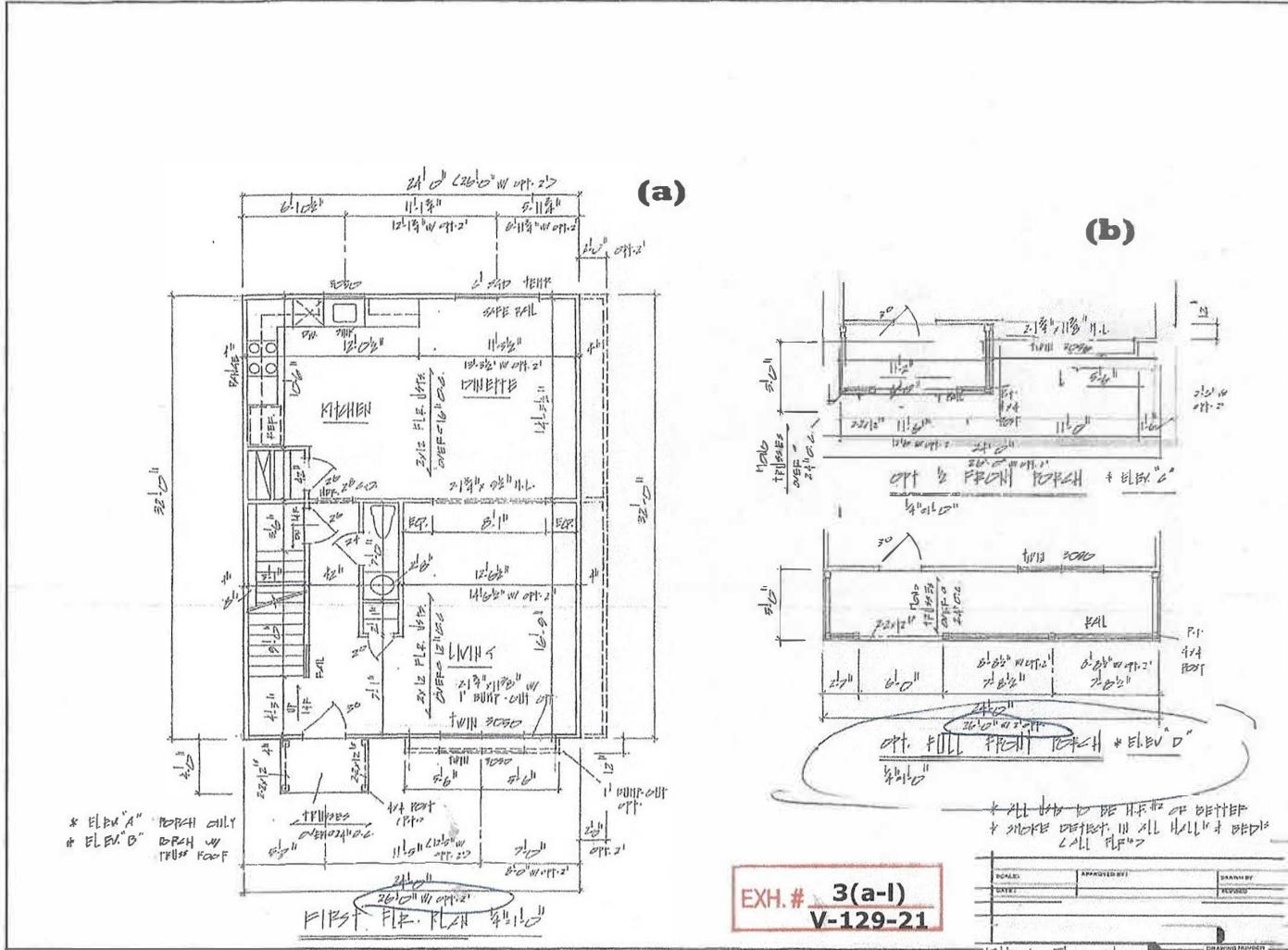
1) THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A FORMAL TITLE REPORT. EASEMENTS, RIGHTS-OF-WAY AND OTHER RESTRICTIONS MAY AFFECT THIS PROPERTY AND NOT BE SHOWN.

2) THE INFORMATION SHOWN HEREON IS BASED ON THE DEEDS AND PLATS OF RECORD AS INDEXED IN THE PROPERTY CADASTRE OF PRINCE GEORGE'S COUNTY, MARYLAND. BEARINGS SHOWN HEREON ARE REFERENCED TO A-1427.

3) THIS SURVEY DOES NOT ADDRESS WETLANDS, CONTAMINATED WASTE OR TOXIC SOIL CONDITIONS, NOR HAVE ANY REPORTS, STUDIES OR INFORMATION REGARDING SUCH BEEN PROVIDED.

4) NO FIELD IMPROVEMENTS HAVE BEEN LOCATED.

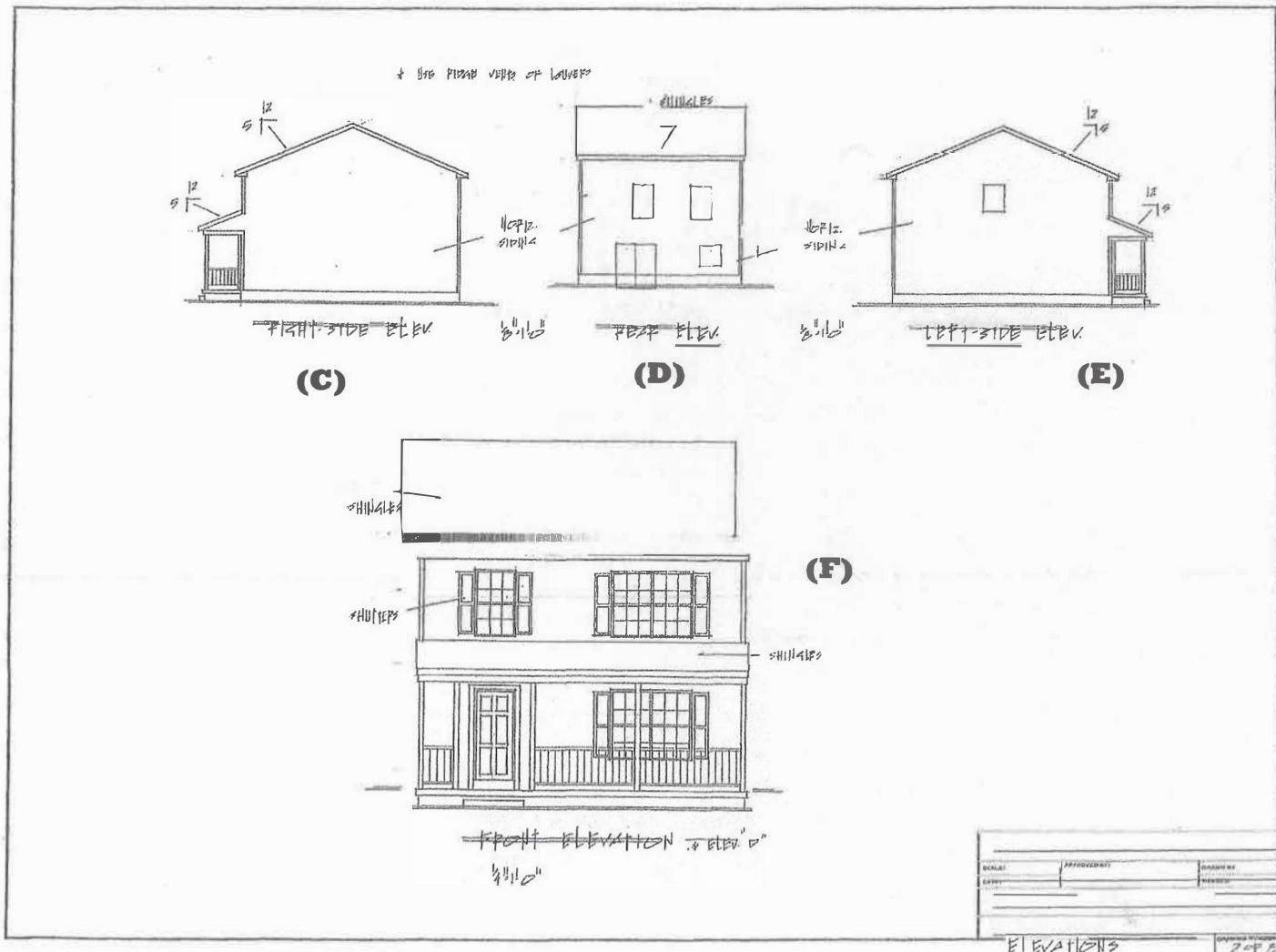
5) NOTE THIS DRAWING NOT VALID WITHOUT ORIGINAL SEAL AND SIGNATURE.



BOARD OF APPEALS

APPROVED JUN 08 2022

[Signature]
ADMINISTRATOR

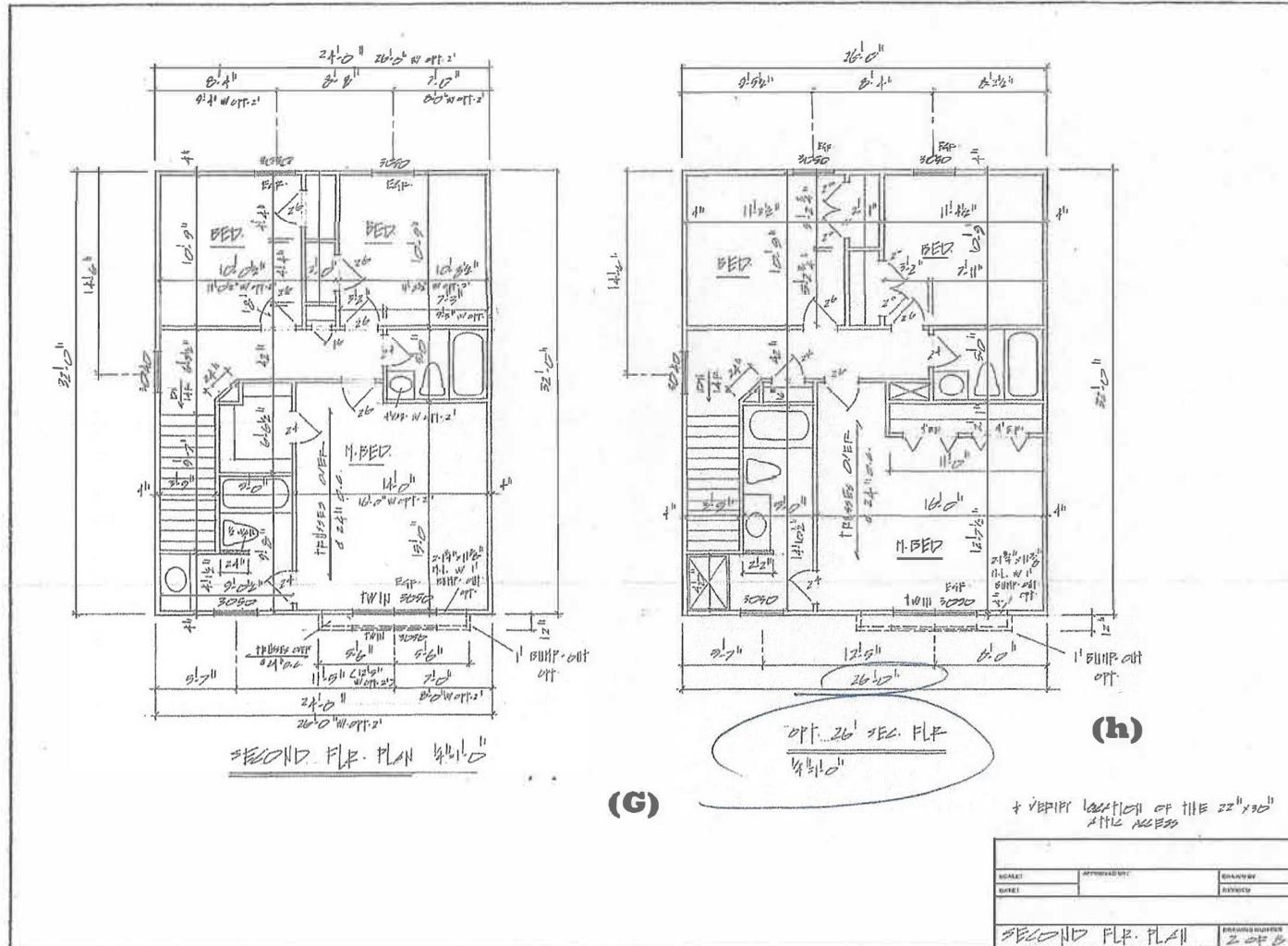


BOARD OF APPEALS

APPROVED

JUN 08 2022

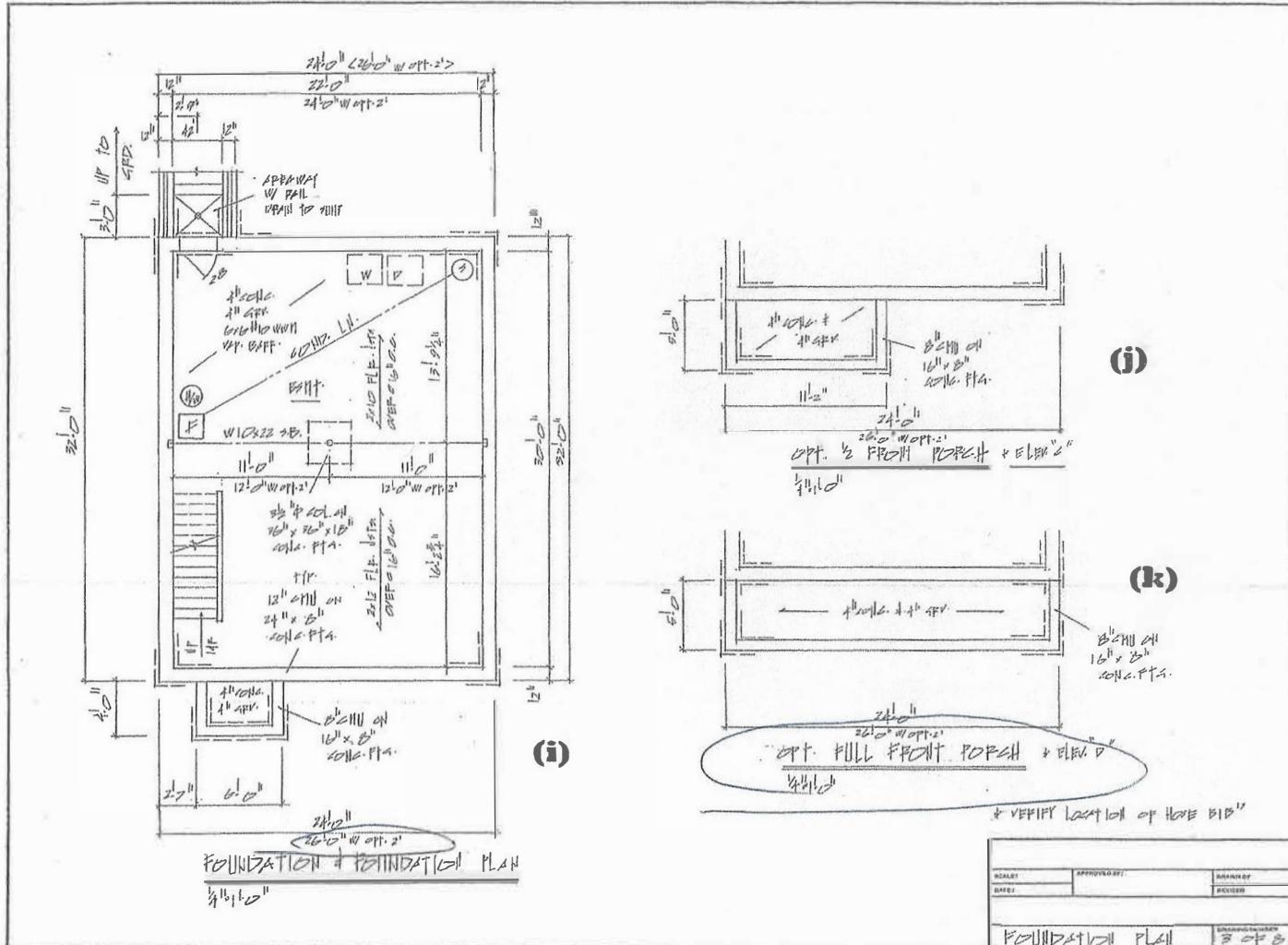
B. G. Jones
ADMINISTRATOR



BOARD OF APPEALS

APPROVED JUN 08 2022

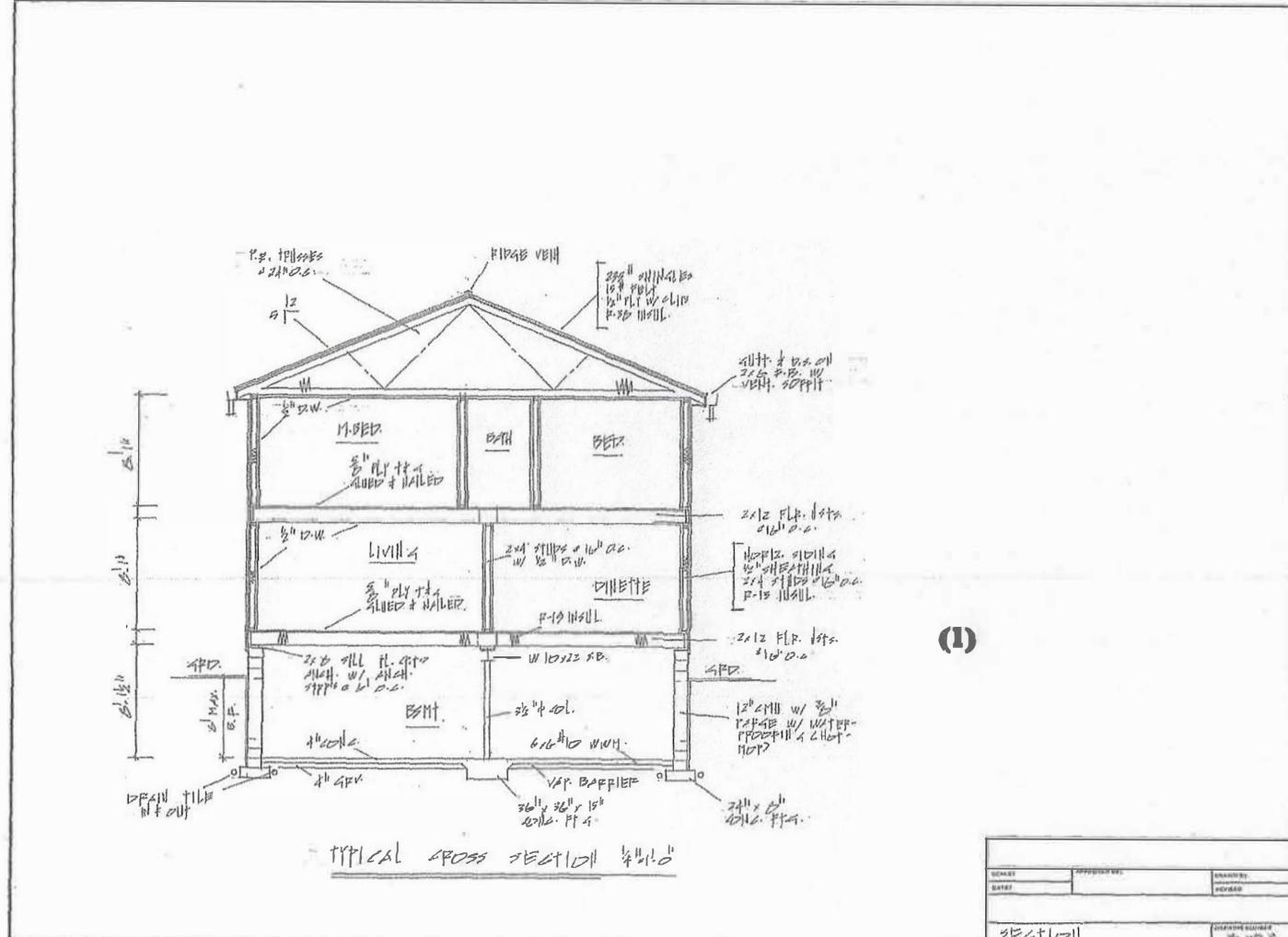
[Signature]
B. Johnson
ADMINISTRATOR



BOARD OF APPEALS

APPROVED JUN 08 2022

[Signature]
ADMINISTRATOR



BOARD OF APPEALS

APPROVED JUN 08 2012


ADMINISTRATOR